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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,550	09/24/2004	Patrick S. McMonagle	0308-48-000026	5549
24239 7590 10/15/2010 MOORE & VAN ALLEN PLLC P.O. BOX 13706 Research Triangle Park, NC 27709				
EXAMINER				
FU, HAO				
ART UNIT		PAPER NUMBER		
3693				
MAIL DATE		DELIVERY MODE		
10/15/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/711,550

Applicant(s)

MCMONAGLE ET AL.

Examiner

HAO FU

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Remarks

In the remarks filed on 08/13/2010, applicant argues that the Vicknair reference does not teach a file with check images, a cross-reference file, and a paying bank specific index being stored and created at a substantially centralized storage system. Examiner respectfully disagrees.

Paragraphs 0052-0057 of Vicknair teach three closely related embodiments of the prior invention, as suggested in paragraph 0026-0028.

In paragraph 0052 of Vicknair, the prior art discloses "the receiving bank can do away with its own check archive and rely on the common storage... The common storage acts as the archive for all of the banks participating in the maintenance of the common storage". It is quite clear that Vicknair is directed towards a centralized check images storage system for a plurality of banks. Paragraph 0053 further discloses that a customer representative of a bank is able to access the common storage and retrieve information regarding to a specific check item. It is implied that each bank must have its own index file in order to locate its check images. Examiner interprets that the check images, cross-reference file, and paying bank specific index are being stored and created at the common storage in this embodiment. Even though prior art is silent regarding to cross-reference file and bank index in this embodiment, these two files are taught in later embodiments.

Paragraph 0054-0056 teaches an alternative embodiment, in which bank index is created from cross-reference file, yet in this embodiment separate electronic check

image databases are used to store check images and bank index but the access to the databases are shared among the banks.

Paragraph 0057 teaches yet another alternative embodiment, in which check images are stored in a common database, but bank index is maintained by each bank.

As suggested by paragraph 0026-0028, the three embodiments taught in 0052-0057 are closely related, with the difference being where the cross-reference file and bank indexes are stored. It would have been obvious to one of ordinary skill in the art at the time of invention that the first embodiment of the prior art (paragraph 0052-0053) must also create bank index from cross-reference file, just as taught in the other two embodiments. Furthermore, since the second embodiment (paragraph 0054-0056) teaches storing the check images and bank index separately and the third embodiment (paragraph 0057) appears to teach a solution between the first embodiment and the second embodiment by storing the check images in a common storage and storing the bank indexes separately, it would be logical to conclude that check images and bank indexes are stored together in the common storage in the first embodiment.

In order to expedite the examination process, examiner suggests adding some features from paragraph 0038 of the specification to further distinguish the present invention from the prior arts. Specifically, paragraph 0038 discloses, "Profiling database defines specific operating parameters for a bank. These parameters can include the specific index data values provided by the paying bank, used to determine how to parse the cross-reference file and how to build a paying bank specific index for loading of the

data.” Adding such profiling database and its function to the independent claims should distinguish the present invention from the Vicknair reference.

Claim Rejection – USC 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-24 (Canceled).

Claim 25-27, 29-31, 33-35, 37-39, 41-43, 45, 47-54, and 56-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vicknair et al. (Pub. No.: US 2003/0208421).

As per claim 25, 37, 49, and 52, Vicknair teaches receiving at a computer system at a substantially centralized storage system a single file including the check images from the capture bank (see paragraph 0020, the enhanced ECP is a single file including the check images; “transmitting bank” in the prior art is interpreted as the capture bank, because capture bank transmits the enhanced ECP file; also see paragraph 0045);

acquiring at the computer system at the substantially centralized storage system a cross-reference file (see paragraph 0055-0057; prior art teaches accessing or receiving a file containing an index of pointers from the “receiving bank”/paying bank’ and then modify this file with set of pointers showing that the associated ECP images are stored in the electronic storage unit; the file containing index of pointers is interpreted as a cross-reference file, since the prior art file provides cross-reference of the location of the check images in the electronic storage);

using by the computer system the cross-reference file to build a paying bank specific index while maintaining by the computer system the check images and the paying bank specific index in a substantially centralized storage system (see paragraph 0052-0057, especially paragraph 0052 and 0057 teach the embodiment of shared

storage system; prior art teaches modifying a file containing an index of pointers to create a bank specific index for retrieval by the corresponding bank; see paragraph 0057, "when searching for an image, each institution, needs to only search their own index...in a further alternative, the index may be maintained at the site of the share database"; also see Fig. 6 item 600, "Common electronic storage of check images for institutions");

rendering by the computer system the check images to the capture bank upon retrieval by the capture bank and to the paying bank only as necessary based on being retrieved by the paying bank using the paying bank specific index so that the check images are accessible upon retrieval by both the capture bank and the paying bank from the substantially centralized storage system (see paragraph 0054 and 0057, prior art teaches each bank has its own index for retrieval of check image stored in the common electronic storage and "when searching for an image, each institution, needs to only search their own index").

As suggested by paragraph 0026-0028, the three embodiments taught in 0052-0057 are closely related, with the difference being where the cross-reference file and bank indexes are stored. It would have been obvious to one of ordinary skill in the art at the time of invention that the first embodiment of the prior art (paragraph 0052-0053) must also create bank index from cross-reference file, just as taught in the other two embodiments. Furthermore, since the second embodiment (paragraph 0054-0056) teaches storing the check images and bank index separately and the third embodiment (paragraph 0057) appears to teach a solution between the first embodiment and the second embodiment by storing the check images in a common storage and storing the bank indexes separately, it would be logical to conclude that check images and bank indexes are stored together in the common storage in the first embodiment.

As per claim 26 and 53, Vicknair teaches the acquiring of the cross-reference file further comprises receiving the cross-reference file from the paying bank (see paragraph 0055-0057; prior art teaches accessing or receiving a file containing an index of pointers from the "receiving bank"/paying bank' and then modify this file with set of pointers showing that the associated ECP images are stored in the electronic storage unit; the file containing index of pointers is interpreted as a cross-reference file, since the prior art file provides cross-reference of the location of the check images in the electronic storage).

As per claim 27, 39, and 54, Vicknair teaches wherein the cross-reference file further comprises unique handles to identify the check images (see paragraph 0054-0055, the file containing the index of pointers, or the cross-reference file, is able to point out the location of a check image stored in a database; therefore, it is implied that the cross-reference file must comprises unique handles to identify each check image in the storage).

As per 29, 30, 31, 41, 42, 43, 50, Vicknair teaches wherein the rendering of the check images further comprises reading a check image from a first storage area for retrieval by the capture bank, and reading the check image from a second storage area for retrieval by the paying bank (see paragraph 0052 and 0057; producing duplicates of images retrievable by different entities is an obvious modification commonly understood by one of ordinary skill in the art).

As per claim 33, 34, 35, 45, 46, 47, 51, Vicknair teaches wherein the rendering of the check images further comprises reading a check image from the same storage area for retrieval by both the capture bank and the paying bank (see paragraph 0052 and 0057).

As per claim 38, Vicknair teaches wherein the computer program code further comprises instructions for parsing the cross-reference file (see paragraph 0054-0055, the file containing the index of pointers, or the cross-reference file, is able to point out the location of a check image stored in a database; therefore, it is implied that the cross-reference file must comprises unique handles to identify each check image in the storage; furthermore, the computer system in the prior art must be able parse or understand the cross-reference file in order to identify the location of each check image stored in the storage).

As per claim 56, Vicknair teaches wherein the databases further comprise an information interchange database (see paragraph 0052 and 0057, the shared database for storing check images can interchange information stored within and thus it is an information interchange database).

As per claim 57, Vicknair teaches wherein the databases further comprise a profiling database (paragraph 0055-0057, prior art appears to have the ability of creating bank specific index for each bank; profiling database in the present invention performs the same function according to the specification).

As per claim 58, Vicknair teaches wherein the databases further comprises a permissions database created using an electronic cash presentment (ECP) file received from the capture bank (see paragraph 0051-0057).

Claim 28, 32, 36, 40, 44, 48, 55, are rejected under 35 U.S.C. 103(a) as being unpatentable over Vicknair et al. (Pub. No.: US 2003/0208421), in view of US Patent Number 5,784,610 to Copeland, III et al.

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As per claim 28, 40, and 55, Vicknair does not teach wherein the unique handles further comprise check image management system (CIMS) keys.

Copeland teaches the unique handles further comprise check image management system (CIMS) keys (see column 7, line 4-11, and column 12, line 19-23).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the Vicknair reference with teaching from Copeland to include check image management system (CIMS) keys in the unique handles.

One of ordinary skill in the art would have been motivated to modify the Vicknair reference in order to provide specify the components of the unique handle.

As per claim 32 and 44, Vicknair teaches wherein the rendering of the check images further comprises reading a check image from a first storage area for retrieval by the capture bank, and reading the check image from a second storage area for retrieval by the paying bank (see paragraph 0052 and 0057; producing duplicates of images retrievable by different entities is an obvious modification commonly understood by one of ordinary skill in the art).

As per claim 36 and 48, Vicknair teaches wherein the rendering of the check images further comprises reading a check image from the same storage area for retrieval by both the capture bank and the paying bank (see paragraph 0052 and 0057).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAO FU whose telephone number is (571)270-3441. The examiner can normally be reached on Mon-Fri/Mon-Thurs 11:30am-8:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES KRAMER can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/
Supervisory Patent Examiner, Art Unit 3693

Hao Fu
Examiner
Art Unit 3693

OCT-10

/Hao Fu/
Examiner, Art Unit 3693